

## MINUTES

### ALCOHOL AND TOBACCO COMMISSION

AUGUST 3, 2010

#### CALL TO ORDER/NOTING OF QUORUM

Chairman Snow called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson and Commissioner Guthrie. Superintendent Huskey and Executive Secretary Dunsmore were also in attendance.

Connie Vickery, Marc Carmichael, Jim Purucker, John Barnett, Trevor Vance, Alex Intermill, and Grant Monahan were present as observers.

#### DISPOSITION OF MINUTES

Commissioner Guthrie moved to approve the minutes that were submitted for the July 20, 2010 meeting. The motion was seconded by Vice Chairman Johnson and it was unanimously approved.

#### HEARING JUDGE'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Vice Chairman Johnson moved to approve the parties' agreed dispositions that were submitted for the August 3, 2010 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

#### CONSIDERATION OF APPLICATIONS

Vice Chairman Johnson moved to approve and incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by our staff with the authority of the Commission. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Vice Chairman Johnson moved to approve and incorporate by reference these lists of permit applications for a new permit, which includes the tabled applications, or applications for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Vice Chairman Johnson moved to approve and incorporate by reference these lists of permit applications for catering. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Vice Chairman Johnson moved to approve and incorporate by reference these lists of permits to be placed in escrow for not more than five years, which have been reviewed and recommended by a Commissioner as appropriate for escrow. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Three hundred sixty-one (361) renewals approved, thirty-six (36) new and/or transfer permits approved, six (6) permits approved for catering, six (6) permits approved for first year escrow, four (4) permits approved for second year escrow, one (1) permit approved for third year escrow, and one (1) permit approved for fourth year escrow.

### **RENEWAL LETTERS AND WAIVER OF FEES**

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Guthrie and it was unanimously approved.

### **APPLICATIONS FOR DISCUSSION**

RR04-92042 FAR AWAY PHILBILLY'S, INC. – Commissioner Guthrie stated the local board approved this renewal two (2) to one (1). However, the food figures that are required to hold this type 209 permit have not been and will probably never be met. The Excise officer on the board spoke with the permittee and suggested maybe he should apply for a two-way permit that does not require a certain amount of food sales to qualify.

Commissioner Guthrie moved to table this matter to see if something can be worked out regarding a change in permit type for this location. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR03-88087 EL CORRAL, LLC – Commissioner Guthrie noted this is a renewal application approved by the local board three (3) to zero (0) and a transfer of ownership and location application with the local board voting two (2) to zero (0) to deny. No explanation was given as to why there was not a third signature on the voting sheet.

Commissioner Guthrie moved to approve the renewal and remand the transfers to the local board for further investigation and a proper vote. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR09-04749 DÉJÀ VU, LLC – Commissioner Guthrie noted this is a type 210 renewal application with the local board voting four (4) to zero (0) to approve the renewal and escrow.

Commissioner Guthrie moved to uphold the local board and approve the renewal. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR41-96156 J. C. DINING, INC. – Commissioner Guthrie noted the location of this permit was annexed into the city limits of Greenwood. The permittee requests the permit be converted from a type 111 permit to a type 112 permit.

Commissioner Guthrie moved to approve the conversion. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

DL49-02148 BUY RITE, INC., D/B/A CROWN LIQUORS – Commissioner Guthrie noted this is a type 217 transfer of location with the local board voting two (2) to one (1) to approve.

Commissioner Guthrie moved to uphold the local board and approve the transfer. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

### **INACTIVE FILES**

INACTIVE FILES- Vice Chairman Johnson moved to make ten (10) permits inactive. Eight (8) permits are not subject to auction and two (2) permits are subject to auction. Motion seconded by Commissioner Guthrie and it was unanimously approved.

RR59-07249 RHOA, INC. - Commissioner Guthrie stated the Commission made this permit inactive July 6, 2010. The permittee requested the Commission reactivate this permit.

Commissioner Guthrie moved to approve this request. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR45-03890 MING LING, INC. - Commissioner Guthrie stated the Commission made this permit inactive. The permittee requested the Commission reactivate this permit.

Commissioner Guthrie moved to approve this request. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

### **OLD BUSINESS**

No Old Business

### **NEW BUSINESS**

No New Business

### **POLICY DETERMINATIONS**

No Policy Determinations

### **ANNOUNCEMENTS**

No Announcements

### **ADJOURNMENT**

Commissioner Guthrie moved to adjourn the meeting. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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P. TOM SNOW, CHAIRMAN

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DAVID JOHNSON, VICE CHAIR

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DALE STURTZ, COMMISSIONER

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FRANK GUTHRIE, COMMISSIONER